

TRAFFORD COUNCIL

Report to: Scrutiny Committee
Date: 11 March 2020
Report For: Approval
Report of: Scrutiny Committee Task and Finish Group: Review of Disability Access within Trafford

Report Title

Scrutiny Committee Task and Finish Group: Review of Disability Access within Trafford Council – ***Interim Report: to highlight immediate opportunities to influence improvements in Disability Access via the Planning Process***

Full Report to follow once work is complete.

Purpose of Task and Finish Group

To put Disability Access at the heart of everything that we do as Trafford Council

In May 2019, it was agreed that a Scrutiny Task and Finish Group would be formed to conduct a review of Disability Access within Trafford.

Purpose of this Interim Report

To highlight immediate opportunities to influence improvements in Disabled Accessibility via the Planning Process:

1. There is widespread building and refurbishment of businesses/buildings taking place across Trafford NOW. Quick action can influence these developments.
2. The Trafford Design Guide, Urban Development Plan and Neighbourhood Plans e.g Active Urmston Plan etc. are being written currently. Now is the time to influence them.

Recommendations

That the Executive adopt the recommendations made in Section 5 of this report

Contact Person for access to background papers and further information

Name: Alexander Murray – Governance Officer

Extension 4250

Background Papers(links contained in the report):

The Public Sector Equality Duty – Equalities and Human Rights Commission

Equalities Act

Essential Principles for Built Environment Professionals – Creating an Accessible and Inclusive Environment – Construction Industry Council

1. Background

The Council has adopted the Social Model of Disability and will therefore strive to remove any Organisational, Physical or Attitudinal barriers that confront the Disabled Community; thus enabling Disabled People to fully participate in and benefit from all Trafford's opportunities, facilities and activities.

2. Membership of Task and Finish Group

Councillors: B. Winstanley (Chair), D. Acton, S. Proctor, A Akinola, A Williams, J Lloyd plus 2 lay members.

3. Timeline

- 3 Jul 2019 Meeting with Manchester City Council Lead Member for Disability
- 15 Jul 2019 Meeting with Building Control, Trafford Regulatory Services
- 20 Aug 2019 Meeting with Trafford Chief Exec and Corporate Director of People
- 22 Aug 2019 Meeting with Greater Manchester Coalition of Disabled People(GMCDP)
- 10 Sep 2019 Meeting with Manchester Disabled People's Acton Group(MDPAG)
- 18 Sep 2019 Meeting of Full Task and Finish Group - Scoping
- 17 Oct 2019 Consultation session with local Disability Groups and MCC
- 24 Oct 2019 Meeting with Trafford Corporate Director of Governance
- 29 Oct 2019 Meeting with Trafford Council Disabled Staff Group
- 14 Nov 2019 Meeting with Trafford Neighbourhoods Team
- 22 Jan 2020 Second Meeting with Trafford Council Disabled Staff Group
- 29 Jan 2020 Council Adopts Social Model and Commits to Public Sector Equality Duty
- 30 Jan 2020 Meeting with Trafford Head of Planning
- 03 Mar 2020 Meeting with Trafford Procurement Team

4. Output: Using the Planning Process to influence improvements in Disabled Accessibility

One of the initial observations was that Members had seen Planning Permission granted within Trafford, particularly for refurbishments, where no account had been taken of accessibility.

Coupled with a question of where responsibility for Disability Access rested - within the Planning or Building Regulations Teams.

In simple terms, responsibility rests within the Building Regulations team and while for new developments, there are accessibility requirements laid down (the requirements are not ideal, but at least they exist) and these have to be met as part of the Planning Process, for refurbishments the only requirement is to 'not make things worse'.

Hence planning permission can be granted, yet accessibility remains poor.

Conscious that the Planning Team are the gatekeeper for developments there is other legislation which can be used to strengthen accessibility requirements as part of the Planning process - The Equalities Act and the Public Sector Equality Duty.

The Equalities Act lists Disability as one of the protected characteristics and under the act there is a duty to make reasonable adjustments if you're placed at a substantial disadvantage because of your disability compared with non-disabled people or people who don't share your disability. If the adjustments are not made the Equality Act says it's unlawful discrimination.

<https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/duty-to-make-reasonable-adjustments-for-disabled-people/>

The Public Sector Equality Duty (PSED) also places a general equality duty on Public Bodies to:

- Eliminate unlawful discrimination, harassment and victimisation and any other unlawful conduct in the Equality Act 2010.
- Advance equality of opportunity
- Foster good relations

The Public Sector Equality Duty is not limited to any specific areas of operation of organisations such as Councils – it applies to everything that we do

<https://www.citizensadvice.org.uk/law-and-courts/discrimination/public-sector-equality-duty/what-s-the-public-sector-equality-duty/>

Initial meetings with Trafford's Governance Team indicate that Trafford can invoke its duties under the PSED, under all 3 of the general duties above, to require Equality Impact Statements, and therefore issue guidance to planning applicants on accessibility for all planning requests, whether new build or refurbished (though not for private dwellings, for example when a private resident is applying to build an extension).

Manchester Disabled People's Action Group (MDPAG) also supports this approach. They say that the PSED can be used to promote accessibility at any point people access Council Services – for example applying for Planning Permission (some Councils even make accessibility a condition of granting/varying License applications).

Their experience also indicates that when questions on accessibility are asked by Planning Teams, developers learn very quickly to build accessibility in.

MDPAG say PSED can also be used for retrofit aswell as for new developments. In addition, by having a specific accessibility local policy, Councils can go beyond the 'don't need to make anything worse' section of Building Regulations and require developers/builders to make buildings accessible.

MDPAG also highlighted the work that the Construction Industry Council (CIC) have done in this area – particularly in the production of the guide ***Essential Principles for Built Environment Professionals – Creating an Accessible and Inclusive Environment*** which provides guidance for the industry.

[file:///C:/Users/3089905/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/essential-principals-guide-creating-an-accessible-and-inclusive-environment-1%20\(1\).pdf](file:///C:/Users/3089905/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/essential-principals-guide-creating-an-accessible-and-inclusive-environment-1%20(1).pdf)

5. Recommendations of this Interim Report

1. Task the Planning Team to lead on working with the Governance Team to explore how to optimise the application of PSED concerning Disability Access when granting Planning Permission for new and refurbished, non-private dwelling, developments.

To answer the question: How can we make Disabled Accessibility a condition of every Planning application, other than private dwellings, which we grant?

2. Task the Planning Team to ensure that the new Trafford Design Guide is robust in its inclusion of Accessible Design Principals – we need to go beyond building regulations.
3. Task the Planning Team to ensure that the Urban Development Plan, Urban Development Plan and Neighbourhood Plans e.g Active Urmston Plan are robust in their inclusion of Accessible Design Principals – we need to go beyond building regulations.

Appendix 1 – Motion passed at Council

Re-Commitment to Supporting Disabled People and Re-Adoption of the Social Model of Disability

This Council recognises that in recent years, as a result of austerity, many disabled people have seen a reduction in the support and help available to them. We believe this to be completely unacceptable and seek to restore equality of opportunity for disabled residents in order to create a fully inclusive Borough.

Trafford Council embraces and upholds its duty, under the Equality Act 2010 and the Public Sector Equalities Duty of 2011 and seeks to eliminate all discrimination on the grounds of Disability, whilst fostering good relationships.

Moreover, Trafford Council embraces the Social Model of Disability, which moves away from viewing disability as an impairment; understanding that people are disabled by the barriers they face in society. The social model recognises the barriers that make life harder for disabled people. By seeking to remove these barriers, this Council strives to create equality; thus offering disabled people more independence, choice and control.

In reinforcing the Social Model of Disability, this Council recognises that barriers for disabled people can be;

- Organisational – including where the set-up of an organisation or system can create obstacles and problems for disabled people.
- Physical - where the physical design or layout of buildings and public spaces can create barriers, rendering them inaccessible to disabled people
- Attitudinal - where there is a failure to consider or understand the requirements of disabled people. Or where there is conscious or unconscious bias or negative attitudes towards disabled people; creating a hostile, unwelcoming or discriminatory environment.

In recognising the value of the Social Model of Disability, Trafford Council believes that inclusivity and accessibility must be at the heart of all we deliver.

Trafford Council pledges to support disabled people in Trafford by re-adopting the Social Model and so strive in its policies and practices to create inclusive neighbourhoods and communities. We strive to remove barriers, whether Organisational, Physical or Attitudinal; thus enabling Disabled People to fully participate in and benefit from all Trafford's opportunities, facilities and activities.